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STATUTORY INSTRUMENTS

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**2007 No. 1321**

**EDUCATION, ENGLAND**

**The Collaboration Arrangements (Maintained Schools and Further Education Bodies) (England) Regulations 2007**

<i>Made</i>	- - - -	<i>25th April 2007</i>
<i>Laid before Parliament</i>		<i>3rd May 2007</i>
<i>Coming into force</i>	- -	<i>25th May 2007</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by section 166 of the Education and Inspections Act 2006<sup>(1)</sup>:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Collaboration Arrangements (Maintained Schools and Further Education Bodies) (England) Regulations 2007 and come into force on 25th May 2007.

(2) These Regulations apply in relation to England.

**Interpretation**

2.—(1) In these Regulations—

“the 1992 Act” means the Further and Higher Education Act 1992<sup>(2)</sup>;

“the 2006 Act” means the Education and Inspections Act 2006;

“associate member” has the meaning given in regulation 6;

“instrument and articles” in relation to a further education body, means the instrument and articles of government in force under section 22 or 29 of the 1992 Act, as the case may be;

“institution” means an institution which the further education body is established to conduct in exercise of its powers under the 1992 Act;

“the principal” means the principal of an institution or any person acting as principal; and

“the Procedures Regulations” means the School Governance (Procedures) (England) Regulations 2003<sup>(3)</sup>.

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<sup>(1)</sup> 2006 c. 40.

<sup>(2)</sup> 1992 c. 13.

<sup>(3)</sup> SI 2003/1377; amended by SI 2003/1916, SI 2003/1963, SI 2004/2042 and SI 2007/959.

(2) Any reference in these Regulations to a governing body is a reference to the governing body of a maintained school.

### **Collaboration between schools and further education bodies**

3.—(1) A governing body, whether alone or together with other governing bodies, may make collaboration arrangements with one or more further education bodies, subject to regulations 16 to 18 of the Procedures Regulations.

(2) A further education body, whether alone or together with other further education bodies, may make collaboration arrangements with one or more governing bodies, subject to the provisions of their instrument and articles.

(3) A further education body may make collaboration arrangements with one or more further education bodies, subject to the provisions of their instrument and articles.

(4) Where a governing body makes collaboration arrangements in accordance with paragraph (1) in respect of any of their functions relating to individual members of the school staff, the School Staffing (England) Regulations 2003<sup>(4)</sup> apply to the discharge of such functions.

(5) Where a further education body makes collaboration arrangements in accordance with paragraphs (2) or (3) in respect of any of their functions relating to individual members of the institution's staff, the relevant provisions of the instrument and articles apply to the discharge of such functions.

(6) Subject to paragraph (7), where collaborating bodies make arrangements in accordance with paragraphs (1), (2) or (3), they may also delegate the discharge of any of their functions to a joint committee established by them.

(7) Where the collaborating body is—

- (a) a governing body, that body may only delegate such functions to a joint committee as may be delegated to a committee under regulation 16 of the Procedures Regulations,
- (b) a further education body, that body may only delegate such functions to a joint committee as may be delegated to a committee under the relevant provisions of its instrument and articles.

### **Establishment of joint committees**

4.—(1) The collaborating bodies must determine, and review annually, the constitution, terms of reference and (subject to regulation 6) membership of any joint committee they decide to establish.

(2) A joint committee must determine the quorum for any of its meetings which must not be fewer than three persons, each of whom is a member of any of the collaborating bodies.

(3) A joint committee must appoint a chair annually and may remove its chair from office at any time.

### **Clerks to joint committees**

5.—(1) A joint committee must appoint a clerk (who must not be a head teacher or a principal) and may remove the clerk from office at any time.

(2) A joint committee may, if the clerk fails to attend one of its meetings, appoint any one of its members (who is not a head teacher or a principal) to act as clerk for the purposes of that meeting.

(3) The clerk must—

- (a) convene meetings of the joint committee;

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(4) SI 2003/1963; amended by SI 2003/2725, SI 2006/1067 and SI 2006/3197.

- (b) attend meetings of the joint committee and ensure that minutes of the proceedings are drawn up; and
- (c) perform any other functions determined by the joint committee.

### **Associate members**

**6.—**(1) In these Regulations “associate member” means a person who is appointed by a joint committee as a member of it but who is not a member of a collaborating body.

(2) Subject to paragraph (7), the term of office of an associate member is four years or a shorter period (not being less than one year), as determined by the joint committee at the date of his appointment.

(3) Nothing in this regulation prevents an associate member from being reappointed at the expiration of his term of office.

(4) Any person who is disqualified from holding office as a governor under regulation 21 of the School Governance (Constitution) (England) Regulations 2007<sup>(5)</sup> and any person who is ineligible to be a member of a further education body under the instrument and articles is disqualified from holding, or continuing to hold, office as an associate member of a joint committee.

(5) Subject to paragraph (6), the collaborating bodies must determine the voting rights of associate members.

(6) An associate member must not vote on any resolution concerning—

- (a) admissions;
- (b) pupil or student discipline;
- (c) an individual pupil or student (not falling within sub-paragraph (a) or (b)) or member of staff if the associate member was excluded under regulation 7(2) from that part of the meeting during which it was considered; or
- (d) the budget and financial commitments of a collaborating body.

(7) A joint committee may remove an associate member from office at any time.

### **Right of persons to attend meetings of joint committees**

**7.—**(1) Subject to regulation 9 and to the Schedule the following persons are entitled to attend any meeting of a joint committee—

- (a) any member of the joint committee, provided he is not a member of a governing body who has been suspended in accordance with regulation 15 of the Procedures Regulations;
- (b) a head teacher of a collaborating body, whether or not he is a member of the joint committee;
- (c) a principal of a collaborating body, whether or not he is a member of the joint committee;
- (d) the clerk to the joint committee; and
- (e) such other persons as the joint committee may determine.

(2) A joint committee may exclude an associate member from any part of its meeting when the business under consideration concerns an individual member of staff, or an individual pupil or student.

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(5) [SI 2007/957](#).

### **Proceedings of joint committees**

8.—(1) The clerk must convene meetings of the joint committee and, when exercising this function, he must comply with any direction given by—

- (a) the joint committee;
- (b) the chair of the joint committee, so far as such direction is not inconsistent with any direction given under sub-paragraph (a).

(2) Subject to any direction given in accordance with paragraph (1), at least seven clear days in advance the clerk must give to each member of the joint committee and to the head teachers and principals of the collaborating bodies (whether or not they are members of the joint committee)—

- (a) written notice of the meeting,
- (b) a copy of the agenda for the meeting, and
- (c) any reports or other papers to be considered at the meeting,

provided that where the chair of the joint committee so determines on the ground that there are matters demanding urgent consideration, it will be sufficient if the written notice of the meeting states that fact and the notice, agenda and reports or other papers to be considered at the meeting are given within such shorter period as he directs.

(3) The proceedings of a joint committee are not invalidated by—

- (a) any vacancy among its number; or
- (b) any defect in the appointment of any member of the joint committee.

(4) No vote on any matter may be taken at a meeting of a joint committee unless the majority of members of the joint committee present are members of a collaborating body.

(5) Every question to be decided at a meeting of a joint committee must be determined by a majority of the votes of the members of the joint committee present and voting on the question.

(6) Where there is an equal division of votes the person who is acting as chair for the purposes of the meeting has a second or casting vote, provided that person is a member of a collaborating body.

### **Restrictions on persons taking part in proceedings**

9.—(1) In this regulation and in the Schedule “relevant person” means a member of the joint committee, a head teacher or a principal of a collaborating body (in each case, whether or not he is a member of the joint committee) or the clerk to the joint committee.

(2) Subject to paragraph (4), where—

- (a) in relation to any matter there may be a conflict between the interests of a relevant person and the interests of a collaborating body;
- (b) a fair hearing is required and there is any reasonable doubt about a relevant person’s ability to act impartially in relation to any matter; or
- (c) a relevant person has a pecuniary interest in any matter,

that person, if present at a meeting of the joint committee at which the matter is the subject of consideration, must disclose his interest, withdraw from the meeting and not vote on the matter in question.

(3) Nothing in this regulation or in the Schedule shall be construed as precluding—

- (a) the joint committee from—
  - (i) allowing a person who appears to them to be able to give evidence to attend any hearing conducted by them into any matter and to present his evidence; or

- (ii) hearing representations from a relevant person acting in a capacity other than that of a relevant person;
- (b) a relevant person from entering into a contract with a collaborating body from which he is entitled to profit.
- (4) A person who is acting as the clerk to a meeting of the joint committee is not required to withdraw from a meeting by this regulation or the Schedule unless his appointment to office, his remuneration, or disciplinary action against him is the subject of consideration, but if this regulation or the Schedule would have otherwise required him to withdraw, he must not act in any capacity other than that of clerk.
- (5) Where there is any dispute as to whether a relevant person is required by this regulation to withdraw from a meeting of the joint committee and not vote that question must be determined by the other members of the joint committee present at the meeting.
- (6) The Schedule makes provision for pecuniary interests and other specified conflicts of interest.

### **Minutes**

**10.**—(1) Minutes of the proceedings of a meeting of a joint committee must be drawn up by the clerk or by the person acting as the clerk for the purposes of the meeting and must be signed (subject to the approval of the joint committee) by the chair of the next meeting of the joint committee.

(2) Subject to paragraph (3) the joint committee must as soon as reasonably practicable—

- (a) make available for inspection at the request of any interested person, and
- (b) give to the collaborating bodies

a copy of the agenda and signed minutes or the draft minutes, if they have been approved by the chair, for every meeting and any report or other paper considered at the meeting.

(3) The joint committee may exclude from any item required to be made available in pursuance of paragraph (2) any material relating to—

- (a) a named person who works, or who it is proposed should work, for a collaborating body;
- (b) a named pupil or student at, or candidate for admission to, a collaborating body;
- (c) any other matter that, by reason of its nature, the joint committee is satisfied should remain confidential.

25th April 2007

*Jim Knight*  
Minister of State  
Department for Education and Skills

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

Regulation 9

### Pecuniary interests and other specified conflicts of interest

#### **Pecuniary interests**

**1.—(1)** For the purposes of regulation 9, a pecuniary interest in a contract, proposed contract or other matter includes a case where—

- (a) a relevant person was nominated or appointed to an office as a member of a collaborating body by a person with whom the contract was made or is proposed to be made;
- (b) a relevant person is a partner of a person, or is in the employment of a person, with whom the contract was made or is proposed to be made; or
- (c) a relative of a relevant person (including his spouse or civil partner or some one living with that person as if he or she were that person's spouse or civil partner), to the knowledge of that person has, or would be treated as having, such an interest.

**(2)** For the purposes of regulation 9, a relevant person shall not be treated as having a pecuniary interest in any matter by reason only of—

- (a) if he is paid to work for a collaborating body, having an interest in the matter that is no greater than the interest of the generality of those paid to work for the collaborating body;
- (b) his nomination or appointment by, his membership of, or his employment by, any public body; or
- (c) his membership of a corporation or other body, if he has no significant financial interest in any securities of that corporation or other body.

**(3)** Members of the joint committee are not, by reason of their pecuniary interest in the matter, prevented from considering and voting upon proposals for one or more of the collaborating bodies to take out insurance protecting its members against liabilities incurred by them arising out of their office and a collaborating body is not, by reason of the pecuniary interest of its members, prevented from obtaining such insurance and paying the premiums.

#### **Appointment as member of the joint committee, chair or clerk**

**2.—(1)** This sub-paragraph applies where a relevant person is present at a meeting of the joint committee at which a subject of consideration is—

- (a) his own appointment, reappointment or removal as a member of the joint committee; or
- (b) his own appointment or removal from office as clerk to, or chair of, the joint committee.

**(2)** In any case where sub-paragraph (1) applies, the relevant person's interests shall be treated for the purpose of regulation 9(2) as being in conflict with the collaborating bodies' interests.

#### **Pay or appraisal of persons working at one of the collaborating bodies**

**3.—(1)** This sub-paragraph applies where a relevant person who is paid to work for a collaborating body other than as head teacher or principal is present at a meeting of the joint committee at which a subject of consideration is the pay or performance appraisal of any particular person employed to work for a collaborating body.

**(2)** This sub-paragraph applies where a head teacher or principal of a collaborating body is present at a meeting of the joint committee at which a subject of consideration is his own pay or performance appraisal.

**(3)** In any case where sub-paragraph (1) or (2) applies, the relevant person's interests shall be treated for the purpose of regulation 9(2) as being in conflict with the collaborating bodies' interests.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations enable governing bodies of maintained schools and further education bodies to develop joint working arrangements and, if they wish, to delegate the exercise of their functions to one or more joint committees.

Regulation 1 provides that the Regulations will come into force on 25 May 2007. Regulation 2 contains the interpretation provisions.

Regulation 3 enables one or more school governing bodies to arrange with one or more further education bodies for their functions to be discharged jointly and vice versa, and for two or more further education bodies to arrange for any of their functions to be discharged jointly; it also enables such “collaborating bodies” to delegate the exercise of those functions to a joint committee, insofar as such delegation would be permitted under the School Governance (Procedures) (England) Regulations 2003 and the relevant provisions of the instrument and articles of the further education institution.

Regulations 4 to 10 deal with the establishment, membership and proceedings of joint committees. Regulation 4 provides for the collaborating bodies to establish a joint committee, including determining its constitution, membership and terms of reference which must be reviewed annually. The joint committee determines its own quorum (which is not less than three members of the collaborating bodies), appoints its own chair (who may be removed from office at any time) and may appoint associate members whose voting rights are determined by the collaborating bodies.

The joint committee must appoint a clerk to convene its meetings and ensure minutes of its proceedings are drawn up (regulation 5). Regulation 6 provides that a joint committee may appoint “associate members”, who are not members of the collaborating bodies and who may be accorded voting rights by the collaborating bodies (subject to certain restrictions). Associate members must not be disqualified from being governors under the School Governance (Constitution) (England) Regulations 2007 or from the membership of further education bodies under the relevant instrument and articles. Under regulation 7, joint committees have power to decide who may attend their meetings. Regulation 8 provides for convening meetings and voting.

Regulation 9 and the Schedule deal with conflicts of interest and the circumstances in which members of a joint committee and others who are otherwise entitled to attend meetings of the joint committee must withdraw from the meeting and not vote. The general principle is that where there is a conflict between the interests of such a person and the interests of the collaborating bodies, or where the principles of natural justice require a fair hearing and there is any reasonable doubt about a person’s ability to act impartially, he should withdraw from the meeting and not vote.

Regulation 10 deals with the drawing up of minutes of joint committee meetings and the publication of the minutes.

The regulatory impact assessment applicable to these Regulations is set out on pages 386 - 389 of the assessment which was published in respect of section 166 of the Education and Inspections Act 2006. It is obtainable from the website of the Department of Education and Skills at:<http://www.dfes.gov.uk/publications/educationandinspectionsact/docs/FinalRIAforAct.pdf>